

United States Court of Appeals
Fifth Circuit

FILED

February 5, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-20985
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DANIEL MEI,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-00-CR-544-4

Before HIGGINBOTHAM, DAVIS and PRADO, Circuit Judges.

PER CURIAM:*

Daniel Mei appeals from his guilty-plea conviction for conducting a monetary transaction with criminally derived property. He argues on appeal that the district court erred by increasing his sentence by three offense levels pursuant to U.S.S.G. § 3B1.1(b). However, as noted by the Government, Mei's instant argument is barred by the appeal-waiver provision contained in his written plea agreement.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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Although the Government asserted the appeal waiver in its brief, defense counsel did not file a reply brief. He has therefore failed to address the threshold issue before this court. However, as the record shows that Mei's waiver of his right to appeal was knowing and voluntary, that waiver should be enforced as valid. See United States v. Melancon, 972 F.2d 566, 567-68 (5th Cir. 1992). Accordingly, Mei's instant appeal is DISMISSED.